

REMARKS

The Office Action mailed September 20, 2007 has been received and reviewed. Claims 1-21 are in the case. Claims 16-21 have previously been withdrawn from consideration. Claims 1-15 stand rejected under 35 U.S.C. § 103(a).

By this paper, claims 1-21 have been cancelled and claims 22-39 have been added. For the reasons set forth below, claims 22-39 are believed to be in condition for immediate allowance. Favorable reconsideration of the application in view of the following remarks is, therefore, respectfully requested.

Statement of Substance of Interview

Applicant expresses appreciation for the personal interview granted by the examiner on October 18, 2007 and a subsequent telephone interview on December 18, 2007. During the interviews, the merits of claim 1 were discussed in view of Kobata, Liability for Product Incompatibility ("Liability"), and Moran. Applicant asserted that the claims, as recited in the Response to Office Action filed July 10, 2007, distinguish over the prior art of record. The examiner maintained that the language of the claims was sufficiently subjective to support the interpretation set forth in the Office Action mailed September 20, 2007. Accordingly, Applicant and the examiner discussed and negotiated language that would avoid the art of record. An Amendment after Final Rejection, filed on November 14, 2007 was refused entry, as raising new issues. Accordingly, Applicant has filed with this Preliminary Amendment a Request for Continued Examination. The language and concepts discussed in the interviews form the basis for the Preliminary Amendment presented by the present paper.

Rejection of Claims 1-15 Under 35 U.S.C. §103(a)

Claims 1-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kobata, Liability, and Moran, or a combination thereof. However, claims 1-15 have been canceled. Moreover, neither those references themselves nor the various combinations thereof teach nor suggest all the claim limitations required by Applicant's newly added claims. Specifically, Applicant does not find in Kobata, Liability, Moran, or the various combinations thereof any teaching or suggestion of testing or disclosing as recited in the pending claims. Also, Applicant does not find a teaching of discovering a basis of operability as recited in the claims.


Moreover, Applicant does not find in the references nor in their combination a teaching of the relationships recited in the claims, relating the second product to the two (upgraded and non-upgraded) configurations of the first product. Likewise, Applicant does not find any teaching of the interactions recited in the claims between the independent entity and the first and second suppliers.

Reconsideration is, therefore, respectfully requested.

In the event that the examiner finds any remaining impediment to the prompt allowance of any of these claims, which could be clarified in a telephone conference, the examiner is respectfully urged to initiate the same with the undersigned.

DATED this 3rd day of January, 2008.

Respectfully submitted,


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